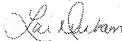


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: S. Bailey, et al. Attorney Docket: 6006-009  
Serial No.: 09/783,633 Examiner: C. Miller  
Filed: February 14, 2001 Art Unit: 3738  
Confirmation No.: 2694 Customer No.: 29,335  
Title: *In Vivo* Sensor and Method of Making Same

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I certify that this document (along with any documents referenced as being included herewith) is electronically filed on this the 23rd day of August, 2012 addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Lori Dunham

Mail Stop Amendment  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRELIMINARY AMENDMENT**

Dear Sir:

Applicant submits herewith a Preliminary Amendment in response to the Decision on Appeal mailed on July 24, 2012, as follows:

**Claims List** begins on page 2 of this paper.

**Remarks** begins on page 5 of this paper.

**Replacement Sheets** are attached to this paper.

**Claims List**

Claims 1-67 (Canceled).

68. (Currently Amended) A system comprising:

an in vivo sensor device comprising a plurality of structural elements defining the in-vivo sensor device, the plurality of structural elements ~~each including~~ include a first region being composed of a first material, the first material having a first transition temperature and a first transition coefficient to expand from a first diametric state to a second diametric state, the plurality of structural elements ~~each including~~ include a second region being composed of a second material, the second material having a second transition temperature and a second transition coefficient higher than the first transition temperature and the first transition coefficient, wherein the second transition temperature and the second transition coefficient allows for a change in the geometry or conformation of the second region in the second diametric state upon application of at least one of an internal force and an external force to the in vivo sensor device, wherein the change in geometry or conformation changes the positioning of the second region relative to the geometry of the first region during the second transition temperature; and a detection mechanism configured to detect the change in the geometry or conformation of the in vivo sensor device, and wherein the second material comprises at least one of a shape memory material and a superelastic material.

69. (Previously Amended) The system of claim 68, wherein the first material comprises at least one of a shape memory material, a superelastic material, a plastically deformable material, an elastically deformable material, a stainless steel and a nickel-titanium alloy.

70. (Cancelled)

71. (Previously Amended) The system of claim 68, wherein the second material has a martensite transition temperature that is higher than a martensite transition temperature of the first material.

72. (Previously Amended) The system of claim 68, wherein the second material responds to at least one physiological condition.

73. (Previously Presented) The system of claim 72, wherein the physiological condition is fluid flow rate.

74. (Previously Presented) The sensor system of claim 72, wherein the physiological condition is temperature.

75. (Previously Presented) The sensor system of claim 72, wherein the physiological condition is plaque.

76. (Previously Presented) The sensor system of claim 72, wherein the physiological condition is an electrochemical change.

77. (Previously Amended) A system comprising:

an in vivo sensor device comprising a plurality of structural elements defining the in-vivo sensor device, the plurality of structural elements including a first region being composed of a first material, the first material having a first transition temperature and a first transition coefficient to expand from a first diametric state to a second diametric state, the plurality of structural elements including a second region being composed of a second material, the second material having a second transition temperature and a second transition coefficient higher than the first transition temperature and the first transition coefficient, the second region changing from a first position to a second position in the second diametric state upon application of at least one of an internal force and an external force to the in vivo sensor device, wherein the first position is coplanar with the surface of the first region and the second position projects outwardly from the surface of the first region during the second transition temperature; and a detection mechanism configured to detect the second position of the in vivo sensor device, wherein the second material comprises at least one of a shape memory material and a superelastic material.

78. (Previously Presented) The system of claim 77, wherein the first material comprises at least one of a shape memory material, a superelastic material, a plastically deformable material, an elastically deformable material, a stainless steel and a nickel-titanium alloy.

79. (Cancelled)

80. (Previously Presented) The system of claim 77, wherein the second material has a martensite transition temperature that is higher than a martensite transition temperature of the first material.

81. (Previously Presented) The system of claim 77, wherein the second material is configured to respond to at least one physiological condition.

82. (Previously Presented) The system of claim 81, wherein the physiological condition is fluid flow rate.

83. (Previously Presented) The system of claim 81, wherein the physiological condition is temperature.

84. (Previously Presented) The system of claim 81, wherein the physiological condition is plaque.

85. (Previously Presented) The system of claim 81, wherein the physiological condition is an electrochemical change.

**Remarks**

The Applicant submits herewith a Preliminary Amendment in response to the Decision on Appeal 2011-010516 dated July 24, 2012. Support for the claim amendment to Claim 1 is supported throughout the original specification and figures, and no new matter has been entered by the same. The Decision on Appeal overturned the rejection of Claims 77, 78, and 80-85. The Applicant respectfully submits that the pending claims be permitted to allowance in view of the Decision on Appeal. No fee is believed to be due; however, the Commissioner is authorized to charge any additional fees regarding this filing, and/or credit any overpayment to deposit account No. 18-2000.

Respectfully submitted,



J. Peter Paredes  
Reg. No. 57,364

August 23, 2012

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